

Telehealth State/ Federal Updates

SEPTEMBER 9, 2021

WashingtonState
Telehealth Collaborative

State/Federal Updates

- CMS released a [proposed physician fee schedule](#) in July. These rules maintain parity and allow patients to be in their homes and in non-rural areas. However, for mental health services, CMS requires that patients be seen in person within 6 months before a tele-mental health visit.
 - Submit a formal comment [here](#)
 - Open comment period until September 13th
- [SB 5423](#) codifies into Washington law the current practice of physicians conducting consultations with colleagues outside of Washington state via telemedicine regardless of their licensure status in Washington. This became effective on July 25, 2021.
- The Improving Medicare Beneficiary Access to Innovative Diabetes Technologies Act was reintroduced before Congress that aims to expand access to diabetes prevention tools, such as mHealth and telehealth, for seniors in need of diabetes care management
 - Press release [here](#)
- Many states' public health emergencies expired in July, including Arizona, Colorado, Maryland, and others, which many states are reconsidering changing their telehealth rules and flexibilities post-pandemic.
 - With the latest surge, some of the states are reinstating

State/Federal Updates

- The [S. 1988 Protecting Rural Telehealth Access Act](#) proposes to make permanent the ability for patients to be treated at home, that payment parity is allowed for audio-only telehealth services, and to let RHCs and FQHCs serve as distant sites for telehealth services
- [Advancing Telehealth Beyond COVID-19 Act of 2021](#) aims to extend telehealth flexibilities under the Medicare program such as for RHCs and FQHCs and removing originating site and geographical limitations
- The Senate passed the \$1 trillion [Bipartisan Infrastructure Deal](#) on August 10th, which includes \$65 billion for broadband investments
 - [White House fact sheet](#)
- [Telehealth Access for Seniors](#) (University of Washington Team) created a guide on [Lifeline](#), a government program that can provide free or discounted WiFi/data and a free or discounted phone for those who have limited access to the Internet.
 - Lifeline setup guide lists the Lifeline providers in Washington state, their cost, and what is included for each provider
- [The USDA Emergency Rural Healthcare Program](#) has allocated \$5.4 million to Washington state in supporting rural healthcare programs/services, including the purchase of telehealth equipment and technology as eligible uses of the funds
 - Applicants can apply for this funding that is available in two separate tracks: Track 1 is for Recovery, and Track 2 is for Impact.

HB 1196 Bill:

Established Patient-Provider Relationship Definition: Proposed Changes

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HB 1196 Bill: Established patient-provider relationship definition

- Requires reimbursement for audio-only telemedicine services if “the covered person has an established relationship with the provider”
- “Established relationship” means the covered person:
 - (A) has had at least one in-person within the past year with the provider providing audio-only telemedicine, or
 - (B) with a provider employed at the same clinic as the provider providing audio-only telemedicine, or
 - (C) was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person with the covered person within the past year and has provided relevant medical information to the provider providing audio-only telemedicine”
- Original bill language [here](#)

1st Proposed Change

Should the language include real-time interactive appointments using audio and video technology?

“Established relationship” means the covered person:

- (A) has had at least one in-person **or real-time interactive appointment using audio and video technology** within the past year with the provider providing audio-only telemedicine, or
- (B) with a provider employed at the same clinic as the provider providing audio-only telemedicine, or
- (C) was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person **or real-time interactive appointment using audio and video technology** with the covered person within the past year and has provided relevant medical information to the provider providing audio-only telemedicine”

2nd Proposed Change

Should the language include three years?

“Established relationship” means the covered person:

- (A) has had at least one in-person *or real-time interactive appointment using audio and video technology* within the past **three** years with the provider providing audio-only telemedicine, or
- (B) with a provider employed at the same clinic as the provider providing audio-only telemedicine, or
- (C) was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person *or real-time interactive appointment using audio and video technology* with the covered person within the past **three** years and has provided relevant medical information to the provider providing audio-only telemedicine”

3rd Proposed Change

Should the language include medical group?

“Established relationship” means the covered person:

- (A) has had at least one in-person *or real-time interactive appointment using audio and video technology* within the past three years with the provider providing audio-only telemedicine, or
- (B) with a provider employed at the same **medical group or** clinic as the provider providing audio-only telemedicine, or
- (C) was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person *or real-time interactive appointment using audio and video technology* with the covered person within the past three years and has provided relevant medical information to the provider providing audio-only telemedicine”

4th Proposed Change

Should the language include the added point below?

“Established relationship” means:

(D) the provider providing audio-only telemedicine has direct access to the covered person’s real-time or electronic medical record